

**REMARKS**

This is in response to the Office Action dated June 17, 2005. Claims 2, 24-27 and 40-42 have been canceled. Claims 1, 3-23, 28-39 and 43-44 are now pending.

Claim 1 stands rejected under 35 U.S.C. Section 102(b) as being allegedly anticipated by Krisko (US 6,060,178). This Section 102(b) rejection is respectfully traversed for at least the following reasons.

Claim 1 has been amended to require that “the coated article is heat treated and has a ratio  $T_{vis}/R_s$  of at least 25 after heat treatment (where  $T_{vis}$  is visible transmission (%) and  $R_s$  is sheet resistance of the coating in units of ohms/square) and a  $\Delta E^*$  value (glass side reflective and/or transmissive) of less than or equal to about 8 due to the heat treatment.” Krisko fails to disclose or suggest this feature of amended claim 1.

Krisko fails to disclose or suggest the coating of claim 1, having a ratio  $T_{vis}/R_s$  of at least 25 after heat treatment and a  $\Delta E^*$  value of less than or equal to about 8 due to the heat treatment. Krisko provides no information with respect to Example 2 (relied on by the Examiner) which can be used to calculate these values. However, Example 1 of Krisko has a  $T_{vis}/R_s$  of 17.8 after heat treatment, which is *well less than that required by claim 1*. Thus, Krisko in Example 1 teaches directly away from the invention of claim 1, and clearly evidences that the claimed feature cannot be inherent in Krisko. Accordingly, since Krisko does not disclose or suggest the aforesaid quoted and italicized features of claim 1, the rejection based thereon should be withdrawn.

Ebisawa (US 6,472,072), Rondeau (US 6,355,334) and Laird (US 2003/0150711) also fail to disclose or suggest a ratio  $T_{vis}/R_s$  of at least 25 after heat treatment and a  $\Delta E^*$  value of

*less than or equal to about 8 due to the heat treatment* as required by claim 1. Thus, these references also do not meet or suggest the invention of claim 1, either alone or in combination.

Claim 23 requires the coated article is heat treated and has a *ratio  $T_{vis}/R_s$  of at least 34 after heat treatment* and a  $\Delta E^*$  value of *less than or equal to about 8* due to the heat treatment. Again, each of Krisko, Ebisawa, Rondeau and Laird fail to disclose or suggest this requirement of claim 23.

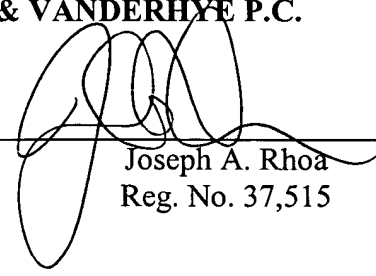
Claim 39 requires the coated article is heat treated and has a *ratio  $T_{vis}/R_s$  of at least 32 after heat treatment* and a  $\Delta E^*$  value of *less than or equal to about 8* due to the heat treatment. Again, each of Krisko, Ebisawa, Rondeau and Laird fail to disclose or suggest this requirement of claim 39.

It is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

Respectfully submitted,

**NIXON & VANDERHYTE P.C.**

By: \_\_\_\_\_

  
Joseph A. Rhoa  
Reg. No. 37,515

JAR:caj  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100